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Falcon Wheel Division L.L.C. and General Truck Drivers, Chauffeurs & Helpers of San Pedro, Wilmington, Long Beach & Vicinity, Local 692, International Brotherhood of Teamsters, AFL-CIO. Cases 21-CA-34692, and 21-CA-34772

April 30, 2004

SUPPLEMENTAL DECISION AND ORDER

BY MEMBERS LIEBMAN, SCHAUMBER, AND WALSH

The General Counsel seeks a default judgment in this case on the ground that the Respondent has failed to file an answer to the compliance specification.

On September 26, 2003, the Board issued a Decision and Order¹ that, among other things, ordered the Respondent to make unit employees whole for any losses attributable to its unlawful failure to implement the wage increases required by the parties' collective-bargaining agreement.

A controversy having arisen over the amount of backpay due the unit employees, on February 20, 2004, the Regional Director issued a compliance specification and notice of hearing alleging the amounts due under the Board's Order, and notifying the Respondent that it should file a timely answer complying with the Board's Rules and Regulations. Although properly served with a copy of the compliance specification, the Respondent failed to file an answer.

By letter dated March 15, 2004, the Deputy Regional Attorney advised the Respondent that no answer to the compliance specification had been received and that unless an appropriate answer was filed by March 22, 2004, a motion for default judgment would be filed. Nevertheless, the Respondent did not file an answer.

On March 26, 2004, the General Counsel filed with the Board a Motion for Default Judgment, with exhibits attached. On March 30, 2004, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent did not file a response. The allegations in the motion and in the compliance specification are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

RULING ON MOTION FOR DEFAULT JUDGMENT

Section 102.56(a) of the Board's Rules and Regulations provides that a respondent shall file an answer within 21 days from service of a compliance specification. Section 102.56(c) provides that if the respondent fails to file an answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

According to the uncontroverted allegations of the motion for default judgment, the Respondent, despite having been advised of the filing requirements, has failed to file an answer to the compliance specification. In the absence of good cause for the Respondent's failure to file an answer, we deem the allegations in the compliance specification to be admitted as true, and grant the General Counsel's Motion for Default Judgment. Accordingly, we conclude that the net backpay due the unit employees is as stated in Appendices A and B of the compliance specification, and we will order the Respondent to pay those amounts to the employees, plus interest accrued to the date of payment.

ORDER

The National Labor Relations Board orders that the Respondent, Falcon Wheel Division L.L.C., Gardena, California, its officers, agents, successors, and assigns, shall make whole the individuals named in the attached Appendices A and B, by paying them the amounts opposite their names, plus interest accrued to the date of payment, as prescribed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987), minus tax withholdings required by Federal and State laws. Summarizing these amounts, the Respondent is obligated to pay the employees backpay totaling \$7,832.00.

Dated, Washington, D.C. April 30, 2004

Wilma B. Liebman, Member

Peter C. Schaumber, Member

Dennis P. Walsh, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

¹ 340 NLRB No. 42 (2003).

APPENDIX A

Falcon Wheel Division
Cases 21–CA–34692, et al.

1 Last Name	2 First Name	3 Middle Name or Initial	4 Workdays In Backpay Period	5 Hours Per Workday	6 Total Hours During B/P Period	7 Amount of Hourly Increase	8 Total Backpay Due
Aguayo	Felix		22	8	176	\$0.50	\$88.00
Alanis	Jose	A.	22	8	176	\$0.50	\$88.00
Aldana	Jose	Luis	22	8	176	\$0.50	\$88.00
Alvarez	Francisco		22	8	176	\$0.50	\$88.00
Alvarez	Jorge	M.	22	8	176	\$0.50	\$88.00
Alvarez	Magdaleno		22	8	176	\$0.50	\$88.00
Alvarez	Rogelio		22	8	176	\$0.50	\$88.00
Alvarez	Saul		22	8	176	\$0.50	\$88.00
Andrade	Pedro		22	8	176	\$0.50	\$88.00
Barbosa-Anaya	Alejandro		22	8	176	\$0.50	\$88.00
Baranda	Luciano		22	8	176	\$0.50	\$88.00
Blanco	Pablo	Palo	22	8	176	\$0.50	\$88.00
Buenrostro	Juan		22	8	176	\$0.50	\$88.00
Brown	Michael		22	8	176	\$0.50	\$88.00
Canedo	Antonio		22	8	176	\$0.50	\$88.00
Carrillo	Alfredo		22	8	176	\$0.50	\$88.00
Carrillo	Silvestre		22	8	176	\$0.50	\$88.00
Castaneda	Richardo		22	8	176	\$0.50	\$88.00
Chavarria	Abraham		22	8	176	\$0.50	\$88.00
Chavarria	Salvador		22	8	176	\$0.50	\$88.00
Chavez	Armando		22	8	176	\$0.50	\$88.00
Cornejo	Maximino		22	8	176	\$0.50	\$88.00
Corona-Calvario	Pedro		22	8	176	\$0.50	\$88.00
Coronado	Jesus	J.	22	8	176	\$0.50	\$88.00
Escamilla	Raul	A.	22	8	176	\$0.50	\$88.00
Flores	Alejandro		22	8	176	\$0.50	\$88.00
Flores	Isidro		22	8	176	\$0.50	\$88.00
Galindo	Ramiro		22	8	176	\$0.50	\$88.00
Galindo	Silvano		22	8	176	\$0.50	\$88.00
Garcia	Alejandro		22	8	176	\$0.50	\$88.00
Garcia	Raul		22	8	176	\$0.50	\$88.00
Giles	Antonio		22	8	176	\$0.50	\$88.00
Gomez	Francisco		22	8	176	\$0.50	\$88.00
Gonzales	David		22	8	176	\$0.50	\$88.00
Gonzales	Enrique	V.	22	8	176	\$0.50	\$88.00
Gonzales	Jesus	Y.	22	8	176	\$0.50	\$88.00
Greenbaum	Paul		22	8	176	\$0.50	\$88.00
Guemes	Francisco		22	8	176	\$0.50	\$88.00
Hernandez	Carlos		22	8	176	\$0.50	\$88.00
Hernandez	Enrique		22	8	176	\$0.50	\$88.00
Hernandez	Feliciano		22	8	176	\$0.50	\$88.00
Hernandez	Salvador		22	8	176	\$0.50	\$88.00
Ibarra	Daniel		22	8	176	\$0.50	\$88.00
Luciano	Uriel		22	8	176	\$0.50	\$88.00
Isaac	Jorge	Martinez	22	8	176	\$0.50	\$88.00
Jimenes	Jose	U.	22	8	176	\$0.50	\$88.00

APPENDIX B

Falcon Wheel Division
Cases 21–CA–34692, et al.

1 Last Name	2 First Name	3 Middle Name or Initial	4 Workdays In Backpay Period	5 Hours Per Workday	6 Total Hours During B/P Period	7 Amount of Hourly Increase	8 Total Backpay Due
Magana	Miguel		22	8	176	\$0.50	\$88.00
Maggallanes	Salvador		22	8	176	\$0.50	\$88.00
Maggallanes	Roul		22	8	176	\$0.50	\$88.00
Maldonado	Angel		22	8	176	\$0.50	\$88.00
Marquez	Antonio		22	8	176	\$0.50	\$88.00
Martell	Juan	Jose	22	8	176	\$0.50	\$88.00
Martinez	Rafael		22	8	176	\$0.50	\$88.00
Medina	Juan	Efraim	22	8	176	\$0.50	\$88.00
Mena	Alejandro		22	8	176	\$0.50	\$88.00
Mendoza	Paul		22	8	176	\$0.50	\$88.00
Morales	Francisco		22	8	176	\$0.50	\$88.00
Morales	Ranulfo		22	8	176	\$0.50	\$88.00
Morales	Raul		22	8	176	\$0.50	\$88.00
Munive	Carlos		22	8	176	\$0.50	\$88.00
Muro	Mark	Carlos	22	8	176	\$0.50	\$88.00
Niclo	Luis		22	8	176	\$0.50	\$88.00
Ocampo	Juventino		22	8	176	\$0.50	\$88.00
Ochoa	Heriberto		22	8	176	\$0.50	\$88.00
Ortega	Ernesto		22	8	176	\$0.50	\$88.00
Ortega	Jose	Juan	22	8	176	\$0.50	\$88.00
Ortiz-Alvarado	Jose	L.	22	8	176	\$0.50	\$88.00
Osorio	Sergio	A.	22	8	176	\$0.50	\$88.00
Padilla	Juan	Ramon	22	8	176	\$0.50	\$88.00
Paredes	Bulmaro		22	8	176	\$0.50	\$88.00
Perez	Luis		22	8	176	\$0.50	\$88.00
Quintana	Juan		22	8	176	\$0.50	\$88.00
Rodriguez	Jesus		22	8	176	\$0.50	\$88.00
Rodriguez	Juan	Luis	22	8	176	\$0.50	\$88.00
Rodriguez	Luis	V.	22	8	176	\$0.50	\$88.00
Rodriguez	Marcos		22	8	176	\$0.50	\$88.00
Ruvalcaba	Jose		22	8	176	\$0.50	\$88.00
Salgado	Agustin		22	8	176	\$0.50	\$88.00
Salgado	Apolinar		22	8	176	\$0.50	\$88.00
Salgado	Carmelo		22	8	176	\$0.50	\$88.00
Scorcia	Pedro		22	8	176	\$0.50	\$88.00
Serrano	Cesar		22	8	176	\$0.50	\$88.00
Tirado	Jesus		22	8	176	\$0.50	\$88.00
Urdiano	Armando		22	8	176	\$0.50	\$88.00
Urdiano	Jose	L.	22	8	176	\$0.50	\$88.00
Valdez	Carlos		22	8	176	\$0.50	\$88.00
Vazquez	Federico		22	8	176	\$0.50	\$88.00
Viveros	Juan		22	8	176	\$0.50	\$88.00
Zaragoza	Ismael		22	8	176	\$0.50	\$88.00